tain an action against the father for necessaries thus delivered. *Gordon v. Potter*, 17 Vt. 348.

PLEADING—BILL—MULTIFARIOUSNESS—PRICKETT V. PRICKETT, 42 So. 408 (ALA.).—*Held*, that a bill seeking to enforce a resulting trust in land, and on independent averments to have alimony decreed to the complainant, was demurrable for multifariousness.

Multifariousness is the improper joining in one bill of two independent and disconnected matters and thereby confounding them. *Story's Eq. Pl.*, 9th Ed. Section 271; *Daniell's Chancery Pr.*, 5th Ed. 334. There are two kinds of multifariousness, one as to the subject matter and the other as to parties. *Weston v. Blake*, 61 Me. 452. *Gartland v. Minn.*. 11 Ark. 720. The former is identical with the common law misjoinder. *Brown v. Bullsner*, 86 Va. 612; *Green v. Richards*, 23 N. J. Eq. 32. That is, in equity, misjoinder is a species of multifariousness. *Durling v. Hammar*, 20 N. J. Eq. 220. Under the code practice, however, the terms are used indiscriminately, but owing to the use of the term in these two senses it is more desirable to use the word multifariousness. *Behlow v. Fisher*, 102 Col. 209: *Emery v. Erskine*, 66 Barb. (N. Y.) 9. There is no inflexible rule as to what constitutes multifariousness in a bill. *Barney v. Lathan*, 103 U. S. 215; *Oliver v. Pratt*, 44 U. S. 333. It must be determined largely from the circumstances of the particular case, and even then depends much on the discretion of the judge. *Wash. City S. Banks v. Thornton*, 83 Va. 166; *Stevens v. Bosch*, 54 N. J. Eq. 59. So the uniting of a purely legal demand with an equitable demand in a bill has been held not demurrable for multifariousness. *Johnston v. Little*, 37 So. 592; *Wellsburg & S. L. R. Co., v. Panhandle T. Co.*, 48, S. E. 746. In some jurisdictions the test is whether the causes of action united in the bill require separate proofs and decrees. *Walker v. Powers*, 104 U. S. 245; *Holton v. Wallace*, 66 Fed. 409. Another test, more frequently employed, is whether the bill, fairly construed, shows a single object and seeks to enforce one general and common right. *Wells v. Bridgeport*, 30 Ct. 316; *Wood v. Sidney Sash, etc. Co.*, 92 Hun. (N. Y.) 22. A complete and satisfactory test would probably require a combination of both of these tests. *U. S. v. Guylard*, 79 Fed. 21; *Africa v. Knoxville*, 70 Fed. 739. Objection to multifariousness should always be taken by demurrer. *Pelham v. Edelmeyer*, 15 Fed. 262; *Bessell v. Beckwith*, 33 Ct. 357. In determining this question, however, the court cannot look to the answer or proof, but to the bill only. *Halstead v. Shepard*, 23 Ala. 558; *Eastman v. Savings Bank*, 58 N. H. 421.

PUBLIC FUNDS—DEPOSIT OF SAME IN BANK—LIABILITY FOR LOSS.—STATE TO USE OF FENTRESS COUNTY V. REED ET AL, 95 S. W. 809 (TENN.). *Held*, a county trustee depositing public funds in a bank, is not relieved from liability for loss resulting from the insolvency of the bank, by showing that he acted in good faith in selecting the bank.

In a few jurisdictions the rule of responsibility of bailees for hire has been applied to county treasurers, exonerating them from liability for the failure of bank in good standing at the time moneys were placed on deposit, *Cumberland Co. v. Pennel*, 69 Me. 357. But the weight of authority is to the effect that where the statute in general terms imposes a duty to turn over public moneys and there is no condition limiting that obligation, the obligation will be deemed absolute, *11 Cyc 447*. Public policy requires that every depositary of the public money should be held to a strict accountability, and the trustee